

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
February 14, 2012  
7:00 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas,  
Cynthia Garnholz, and Mark Winings

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the January 24, 2012 minutes, which were previously provided to the Board.

**Alderman Harris moved to approve the January 24, 2012 minutes. Alderman Goodman seconded the motion.**

Alderman Winings noted a correction in the minutes.

**The motion to approve the minutes as corrected passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

Ms. Marguerite Garrick, Ward 1 Aldermanic candidate, introduced herself to the Board stating that she has lived in Clayton for 25 years and her children attended the Clayton School District.

A PUBLIC HEARING AND ORDINANCES TO CONSIDER APPROVING A VACATION PLAT AND SUBDIVISION PLAT (LOT CONSOLIDATION AND BOUNDARY ADJUSTMENT) 10 SOUTH BRENTWOOD BLVD. (MUNICIPAL FACILITY PROPERTY)

**Alderman Lichtenfeld moved to open the Public Hearing to consider ordinances to approve a vacation plat and subdivision plat (lot consolidation and boundary adjustment) for 10 South Brentwood Blvd a municipal facility property and request proof of publication. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

City Manager Owens reported that this is a public hearing and two (2) subsequent ordinances to consider approving a Vacation Plat and a Lot Consolidation and Boundary Adjustment Plat in support of the conversion of the building and site to a municipal facility to house the Clayton Police Department. The site, addressed 10 South Brentwood Boulevard, is located in Downtown Clayton and has a High Density Commercial (HDC) zoning designation. On August 23, 2011, the Board of Aldermen approved a Conditional Use Permit for the property for use as a municipal facility with the following condition:

“That a subdivision plat and sidewalk easement be submitted and approved by the Board of Aldermen showing the relocated property line along Carondelet Avenue providing a 10-foot setback between the sally port addition and property line prior to issuance of a building permit for the sally port addition.”

On January 9, 2012, Mike Pratt, Public Works Director, submitted a subdivision application and proposed Vacation Plat and Lot Consolidation and Boundary Adjustment Plat on behalf of the City of Clayton (owner). The Vacation Plat will release 3,136 square feet of Carondelet Avenue right-of-way currently used as a public sidewalk on the north side of Carondelet Avenue.

The Lot Consolidation and Boundary Adjustment Plat will consolidate five (5) existing lots (Original Lots 1, 2, 3, 4, and 5 in the Town of Clayton), collectively addressed as 10 South Brentwood Boulevard into one new lot, shown as Adjusted Lot A. The plat also depicts an extension of the southern boundary of the subject property to incorporate the vacated Carondelet Avenue right-of-way. This area (described on the Subdivision Plat as “Original Parcel 1”) contains 3,136 square feet. This boundary adjustment is being proposed in order to satisfy the required 10-foot front yard setback as stipulated in the approved Conditional Use Permit. Combined, the new lot will measure 44,419 square feet.

Easements are also part of this subdivision plat and are necessary to provide access for electrical and sewer facilities that are currently located in the right-of-way, but will be located on private property. An additional 10-foot wide easement granted to the City of Clayton is also being provided on the south side of the property for sidewalk and streetscape use and maintenance.

The Plan Commission considered and recommended approval of the lot consolidation and vacation at their January 17, 2012 meeting.

The newly created lot meets all zoning requirements for the HDC Zoning District. Recommendation is to approve the Ordinances.

In response to Alderman Goodman’s question, City Manager Owens explained that the request to vacate is due to the area and space required for the Sallyport access to the building. He explained that the Sallyport is the area to transfer inmates to/from the building. Mike Pratt added that the vacation would not impact the pedestrian right-of-way because they will still have the required five foot access.

**Alderman Lichtenfeld moved to close the Public Hearing to consider ordinances to approve a vacation plat and subdivision plat (lot consolidation and boundary adjustment) for 10 South Brentwood Blvd a municipal facility property. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6301 an ordinance providing for the approval of a vacation plat to vacate a portion of Carondelet Avenue right-of-way in the City Of Clayton, Missouri to be read for the first time by title only. Alderman Goodman seconded.**

**City Attorney O’Keefe reads Bill No6301 an ordinance providing for the approval of a vacation plat to vacate a portion of Carondelet Avenue right-of-way in the City Of Clayton, Missouri for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6301 an ordinance providing for the approval of a vacation plat to vacate a portion of Carondelet Avenue right-of-way in the City Of Clayton, Missouri to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney O’Keefe reads Bill No. 6301 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6184 of the City of Clayton.**

**Alderman Lichtenfeld introduced Bill No. 6302, an ordinance providing for the approval of a lot consolidation and boundary adjustment plat to consolidate certain property located on Brentwood Boulevard in the City Of Clayton, Missouri to be read for the first time by title only. Alderman Goodman seconded.**

**City Attorney O’Keefe reads Bill No. 6302, an ordinance providing for the approval of a lot consolidation and boundary adjustment plat to consolidate certain property located on Brentwood Boulevard in the City Of Clayton, Missouri for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6302, an ordinance providing for the approval of a lot consolidation and boundary adjustment plat to consolidate certain property located on Brentwood Boulevard in the City Of Clayton, Missouri to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney O’Keefe reads Bill No. 6302 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6185 of the City of Clayton.**

**AN ORDINANCE TO APPROVE MODIFICATION #1 TO THE CONTRACT WITH LAWRENCE GROUP FOR ARCHITECTURAL/ENGINEERING SERVICES FOR CONVERSION OF 10 SOUTH BRENTWOOD BOULEVARD INTO A POLICE FACILITY AND MUNICIPAL BUILDING**

City Manager Owens reported that on June 22<sup>nd</sup> 2010, the City of Clayton’s Board of Aldermen approved a contract with Lawrence Group in the amount of \$1,161,000, plus a contingency of \$116,000, for Architectural/Engineering (AE) services for the conversion of 10 South Brentwood Boulevard into a police facility and municipal building. At that time, the City’s anticipated budget was \$8,500,000. The \$8,500,000 budget was put together pre-design and before we were awarded two energy grants; including the energy grant for the design and installation of a photovoltaic solar array. During the design, it became apparent that the project scope needed to be increased to include necessary upgrades and modifications. At this time, the total value of all bid packages is over \$14,000,000.

The scope of this modification brings the contract value to \$1,418,311. This modification is for an expanded design effort that includes:

- Expansion of 3<sup>rd</sup> floor tenants area to include the entire floor
- Replacing the remaining storm and sanitary sewer systems
- Providing primary and alternate design for mounting the solar array
- Core and shell improvements on floors 4, 5, 6
- Improvements to parking structure

- Designs for future work, to be bid by the City at a later date, such as complete roof replacements.

Recommendation is to approve the ordinance authorizing modification #1 to the contract with Lawrence Group bringing the amount of the contract to \$1,418,311 plus a contingency of \$70,000 (less than 5%) for Architectural/Engineering (AE) services for the conversion of 10 South Brentwood Boulevard into a police facility and municipal building.

Tim Rowbottom, Lawrence Group, gave a brief update on the progress of the construction.

Mayor Goldstein stressed her concerns that they will meet the construction schedule since the completion of the project is sensitive to meeting terms of the grant.

In response to Alderman Lichtenfeld's question, Mike Pratt clarified that the original contract was \$1,161,000, plus a contingency of \$116,000, and the new contract would be \$1,418,311 plus a contingency of \$70,000, which makes it an increase of approximately \$250,000 and not \$1.4 million.

In response to Alderman Maddox-Dallas' question Tim Rowbottom stated that they believe that they have come across the bulk of the issues and that they are working through those issues with their team.

In response to Alderman Goodman's question, Mike Pratt stated that they now have an entire floor rented to two tenants and the City will be receiving a lot of that money up front which helps defray some of the costs.

In response to Alderman Harris' question, City Manager Owens said that staff will follow up with regard to the National Historic Registry.

In response to Alderman Goodman's question, Tim Rowbottom confirmed that they are on target for the LEED Silver status.

Chris Malone and David Lowe, Paric, gave a brief summary and update of the construction project informing the Board that they remain on schedule for move-in completion by the end of 2012.

In response to Alderman Harris' question, Mike Pratt explained the increase in architectural fees will not be an additional \$250,000 from the data numbers that the Board has been reviewing. He said that the original request from the Lawrence Group was actually more, but eventually they both were able to come to an agreeable amount.

**Alderman Lichtenfeld introduced Bill No. 6303, to consider an ordinance approving modification #1 to the contract with Lawrence Group for architectural and engineering services for the conversion of 10 South Brentwood Boulevard into a police facility and municipal building to be read for the first time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6303, to consider an ordinance approving modification #1 to the contract with Lawrence Group for architectural and engineering services for the conversion of 10 South Brentwood Boulevard into a police facility and municipal building for the first time by title only.**

**Motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6303, to consider an ordinance approving modification #1 to the contract with Lawrence Group for architectural and engineering services for the conversion of 10 South Brentwood Boulevard into a police facility and municipal building to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6303 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6186 of the City of Clayton.**

**AN ORDINANCE TO APPROVE A CONTRACT WITH M3 ENGINEERING GROUP FOR DESIGN OF THE BRENTWOOD BOULEVARD/CARONDELET AVENUE STREETSCAPE PROJECT**

City Manager Owens reported that last year, the City's Brentwood Boulevard/Carondelet Avenue Streetscape Project was approved for funding through East-West Gateway's STP selection process. The Board of Aldermen approved the execution of the Program Agreement in August 2011. Engineering is scheduled for 2012, with construction beginning in 2014. The estimated expenditures included in the grant are \$138,953 for engineering, \$20,553 for right-of-way/easement procurement, and \$726,912.00 for construction. The grant includes 80% federal funding for each of these values.

Public Works staff performed consultant solicitation in accordance with MoDOT's Local Public Agency Manual. An advertisement was placed on MoDOT's website, and nineteen consultants submitted qualifications. Upon review of the qualifications, M3 Engineering Group was selected to provide engineering services for the project.

The engineering services to be provided are broken into two phases: Design (\$131,661.46) and Construction (\$8,221.70). Since the Design portion of the contract is worth less than the grant value, Public Works requests that an additional design contingency of \$7,000 (~5%) be made available for utilization in the event of unforeseen circumstances, upon approval by the Director of Public Works. The construction portion of the M3 contract will provide for shop drawing reviews, design clarifications, and will be funded out of the grant's construction allocation.

In accordance with FHWA and MoDOT requirements, the contract must be executed by the City Manager and City Accounting Officer, and attested to by the City Clerk. The majority of the contract language is dictated by MoDOT, with the project scope of services inserted under Article I.

Recommendation is to approve the ordinance authorizing a contract with M3 Engineering Group in the amount of \$139,883.16, plus a design contingency of \$7,000 for the Brentwood Boulevard/Carondelet Avenue Streetscape Project.

**Alderman Lichtenfeld introduced Bill No 6304, to consider an ordinance approving a contract with M3 Engineering Group, P.C. for engineering services related to the Brentwood Boulevard/ Carondelet Avenue Streetscape Project to be read for the first time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6304, to consider an ordinance approving a contract with M3 Engineering Group, P.C. for engineering services related to the Brentwood Boulevard/ Carondelet Avenue Streetscape Project for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No 6304, to consider an ordinance approving a contract with M3 Engineering Group, P.C. for engineering services related to the Brentwood Boulevard/ Carondelet Avenue Streetscape Project to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6304 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6187 of the City of Clayton.**

**AN ORDINANCE TO APPROVE A CONTRACT WITH ENGINEERING DESIGN SOURCE, INC. (EDSI) FOR DESIGN SERVICES RELATED TO THE WYDOWN BOULEVARD RESURFACING PROJECT**

City Manager Owens reported that last year, the City's Wydown Boulevard Resurfacing Project was approved for funding through East-West Gateway's STP selection process. The Board of Aldermen approved the execution of the Program Agreement in August 2011. Engineering is scheduled for 2012, with construction beginning in 2014. The estimated expenditures included in the grant were \$107,000 for engineering, \$265,250 for right-of-way/easement procurement, and \$3,335,390 for construction. The grant includes 80% federal funding for each of these values. These values are included in the FY 2012-2014 budget.

Public Works staff performed consultant solicitation in accordance with MoDOT's Local Public Agency Manual. An advertisement was placed on MoDOT's website, and eleven consultants submitted qualifications. Upon review of the qualifications, Engineering Design Source, Inc. (EDSI) was selected to provide engineering services for the project, with Geotechnology, Inc. serving as sub-consultant. EDSI will provide surveying and engineering expertise during design, while Geotechnology, Inc. will cut pavement cores prior to design, and will provide materials testing during construction.

The engineering services to be provided are broken into two phases: Design (\$78,409) and Construction (\$15,525). Since the Design portion of the contract is worth less than the grant value, Public Works requests that an additional design contingency of \$8,000 (~10%) be made available for utilization in the event of unforeseen circumstances, upon approval by the Director of Public Works. The Construction portion of the contract will provide for materials testing, and will be funded out of the grant's construction allocation.

In accordance with FHWA and MoDOT requirements the contract must be executed by the City Manager and City Accounting Officer, and attested to by the City Clerk. The majority of the contract language is dictated by MoDOT, with the project scope of services inserted under Article I.

Recommendation is to approve the contract with EDSI in the amount of \$93,934, plus a design contingency of \$8,000 for the Wydown Boulevard Resurfacing Project.

**Alderman Lichtenfeld introduced Bill No. 6305, to consider an ordinance approving a contract with Engineering Design Source, Inc., for engineering services related to the Wydown Boulevard Resurfacing Project to be read for the first time by title only. Alderman Goodman seconded.**

Alderman Harris commented that due to the problems they have experienced with the prior Wydown resurfacing project she asked if it would be possible to go the extra mile and invest in a more thorough design.

Mike Pratt explained that the resurfacing has been wearing out for the past 20 years and now is the time to replace everything. He said that they will address the issues that they have experienced over the years and added that even after the warranty had long expired the previous contractor returned at his own expense to fix some of the problems, but unfortunately the issues continued.

City Manager Owens clarified that the project is 80% funded by a grant and the process for construction will be the same as what was done recently on Forsyth Avenue and also Davis Drive.

Mike Pratt added that the project is for all of Wydown Boulevard, from Hanley Road to the St. Louis City limits.

In response to Alderman Winings' question, Mike Pratt explained that for federally funded projects the City is required to follow MoDOT guidelines which comply with State laws and qualifications are based on selection and not fee-based.

City Attorney O'Keefe explained that the Missouri State Statutes prohibit political subdivisions in the State from soliciting cost proposals from architects, engineers and land surveys. They can only acquire qualification based proposals, select the three best, negotiate with the preferred and if you cannot reach a contract then you move on to the other two and therefore the City cannot ask for a financial proposal.

**City Attorney O'Keefe reads Bill No. 6305, to consider an ordinance approving a contract with Engineering Design Source, Inc., for engineering services related to the Wydown Boulevard Resurfacing Project for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6305, to consider an ordinance approving a contract with Engineering Design Source, Inc., for engineering services related to the Wydown Boulevard Resurfacing Project to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6305 as amended for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6188 of the City of Clayton.**

**AN ORDINANCE TO APPROVE A MAINTENANCE AGREEMENT WITH ST. LOUIS COUNTY FOR SHAW PARK DRIVE, AS IT RELATES TO THE PEDESTRIAN ENHANCEMENT PROJECT**

City Manager Owens reported that on March 18, 2011, the Board of Alderman approved an agreement with the Missouri Highways and Transportation Commission to provide funding for the City's Pedestrian Enhancement Project, which consists of streetscape improvements in the following locations:

- South side of Bonhomme Avenue from Brentwood Boulevard to Bemiston Avenue

- East side of S. Central Avenue from Bonhomme Avenue to Shaw Park Drive
- West side of S. Central Avenue from Bonhomme Avenue to the Transit Center
- East side of S. Meramec Avenue from Bonhomme Avenue to the Transit Center
- North side of Shaw Park Drive from Brentwood Boulevard toward S. Meramec Avenue (the eastern half of this block has already been completed)

Since that time, design has progressed, and construction is planned for autumn 2012. Within the next month, plans will be finalized, and City Staff will be approaching property owners for temporary construction easements, which facilitate construction of sidewalk up to the edge of the right-of-way. In addition, improvements are being made off of City right-of-way, on St. Louis County right-of-way adjacent to Shaw Park Drive. Similar improvements have already been made along other sections of Shaw Park Drive.

In the past, these improvements were made with the understanding that the City would be responsible for maintenance. However, these agreements were never formalized. Now, in conjunction with the Pedestrian Enhancement Project, St. Louis County has requested that the City of Clayton sign a maintenance agreement, taking on responsibility for the maintenance of streetscape improvements along Shaw Park Drive. This agreement has been reviewed by attorneys for both St. Louis County and the City of Clayton.

Recommendation is to approve the ordinance authorizing the Mayor to sign a contract with St. Louis County, which provides for the maintenance of streetscape features within St. Louis County right-of-way along the north side of Shaw Park Drive within the City of Clayton.

**Alderman Lichtenfeld introduced Bill No. 6306, to consider an ordinance providing for the approval and execution of a maintenance agreement for improvements along Shaw Park Drive, in conjunction with the Pedestrian Enhancement Project to be read for the first time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6306, to consider an ordinance providing for the approval and execution of a maintenance agreement for improvements along Shaw Park Drive, in conjunction with the Pedestrian Enhancement Project to be read for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld Bill No. 6306, to consider an ordinance providing for the approval and execution of a maintenance agreement for improvements along Shaw Park Drive, in conjunction with the Pedestrian Enhancement Project to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney O'Keefe reads Bill No. 6306 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6189 of the City of Clayton.**

#### **AN ORDINANCE TO APPROVE CHANGES TO THE TRAFFIC CODE REGARDING ON-STREET PARKING RESTRICTIONS IN DAVIS PLACE SUBDIVISION**

City Manager Owens reported that over a considerable period of time, the City has received requests to modify on-street parking in the Davis Place Subdivision to meet the needs of the residents and Central Presbyterian Church. In response to these requests, City Staff's goal has been to find an appropriate balance among the sometimes competing interests of safe vehicular



transit, reasonable access to driveways and on-street parking for residents, their guests, and those attending services and other events at Central Presbyterian Church. Considerable input was received from a variety of stakeholders including the trustees, church representatives and residents through response to City surveys as well as additional subsequent input. The culmination of these efforts is the map of proposed on-street parking restrictions attached for your reference.

Recommendation is to approve the ordinance to codify the proposed on-street parking restrictions in Davis Place Subdivision.

**Alderman Lichtenfeld introduced Bill No. 6307, an ordinance amending certain traffic and parking regulations in the Davis Place Subdivision to be read for the first time by title only. Alderman Goodman seconded.**

Mayor Goldstein commended the Ward 3 Aldermen Lichtenfeld and Winings, recognizing that they have been working on this issue for a long time trying to balance all of the varying interests and opinions in their Ward. They have had numerous meetings with the residents, church, and trustees and have studied the issue very carefully. She pointed out that the decisions made will not satisfy all of the different interests and thanked the Aldermen.

Alderman Lichtenfeld thanked the Mayor for her comments and also for the good agenda report. He explained what Central Presbyterian Church is planning to do and that they own more property to the south of the current church property on which they intend to build a parking lot along Hanley Road and to also retain three homes that they own on N. Biltmore. The specific request from a large number of the residents was that the church maintaining the three existing homes would be very important to the context of Davis Place itself. He said that not everyone will be in agreement with the solution but the combination of what Central Presbyterian is proposing with their own parking lot at this time and the changes on the parking proscriptions they felt was the fairest way of proceeding with the parking.

Mayor Goldstein added that this started out as a very large parking lot that would go from the interior of the Davis Place Subdivision out to Hanley Road. Now the compromise is to build the parking lot along Hanley Road and maintain the three residential structures within the Davis Place Subdivision.

Alderman Winings commented that this has been a long and difficult process and a divisive issue in the neighborhood since he has been an alderman. He said that since his election he doesn't recall another example where there has been more public input, except for possibly the budget, during his time as a candidate when he was going door-to-door. He said that he spoke to a number of residents on this very issue, they have held several meetings with the Davis Place Trustees, the issue was discussed at the neighborhood's annual meeting last summer, they met with the East Davis Place residents last fall, and the city conducted a survey and the trustees subsequently conducted an online survey. He said that they will never get a total consensus and that there are many people in the neighborhood who do not agree with the decision, but in his opinion the majority of the residents in Davis Place support the decision and both he and Alderman Lichtenfeld believe that this is in the best long-term interest of the neighborhood.

In response to Mayor Goldstein's question, Alderman Lichtenfeld stated that this was a negotiating process between the neighborhood residents and the church coming to a

solution that hopefully will satisfy the most, but certainly does not satisfy either one completely.

In response to Alderman Goodman's question, City Attorney O'Keefe said that the church would need to go to the Plan Commission and Architectural Review Board with the parking lot plan.

Mr. Robert Kuehn, Davis Place resident, addressed the Board stating that he is profoundly disappointed with the church which through bullying and threats gets its way and turns Davis Place into a parking lot for its staff and guests. He said that he is profoundly disappointed with the city for giving into this sort of extortion to sacrifice his neighborhood's well-being and make it unlike any other area in the city. He said that he doesn't expect the city to do anything different than to rubber-stamp this approval, but thinks it's important for the Board to know that this was a mistake years ago to allow this sort of parking in a residential neighborhood. He asked what is wrong with a city to ever allow an organization to park its tenants/patrons in that area. He said that the residents had not been notified of the decision and it appears to be an act of bullying, threats and a "gun being held" to the residents' head.

Ms. Katherine Bauer, Davis Place resident on Mohawk Drive, addressed the Board stating that she was unprepared to speak this evening because there was no notice sent to inform them of the changes. She said that the parking changes that the city is proposing are so far removed and stressed her displeasure. She urged the Board to not vote on the changes until the residents have an opportunity to give their input.

Mr. Ed Rader, Davis Drive, addressed the Board stating that parking problems with the church have been an ongoing issue and that the residents have had no input on the parking decisions. He said that because the patrons of the church do not utilize the existing parking provided by the church the residents are miserable not just Sundays, but every day of the week due to the parking. He urges that they do not make the proposed restrictions.

In response to Mayor Goldstein's question regarding changing the effective date, Alderman Winings said that anything is possible, but he is not sure what this would do in Central Presbyterian's point of view.

At the request of the City Attorney, Mr. Eric Schmidt, Executive Administrator for Central Presbyterian Church, addressed the Board giving them an overview of the project. He said that they submitted the original project in 2010. They understood that the neighborhood was upset with the idea that the houses would be removed so they negotiated with the aldermen to retain the houses for now, but also they still needed parking. Their governing body of the church recently approved to move ahead with the project to leave the houses in place contingent upon the ordinance passing and also approval of the site plans. He said from the church's standpoint they have held off for a year and this is something that they need to do and they are seeking approval of the ordinance.

Mayor Goldstein reconfirmed that the church would be bringing the site plan to the City Plan Commission for approval.

Ms. Bauer commented that she feels there is a discrepancy between the east end Davis Place residents receiving another survey showing the proposal. She said that she firmly believes that no one received the survey. She said that none of the new proposal was ever discussed with the residents.

In response to Mayor Goldstein's question, Alderman Lichtenfeld said that the parking map dated December 29<sup>th</sup> goes back to the parking restrictions that existed prior to the proposed temporary parking restrictions.

Alderman Winings commented that at that time of the temporary restrictions the neighbors were happy, but not the church and they announced that they were going to tear down the houses because they no longer believed that they had adequate parking in the neighborhood. He said that then the negotiations continued along the lines to balance the interests and restrictions versus houses to which the term "negotiations" is not accurate, but more of a choice with the church's position remaining consistent – keeping the houses and return to the parking plan that was in place in 2010 or if there were any changes it had to be on a parking neutral basis. He said that he objects to the characterization of a "gun to the head," because they were given a choice and compromised between a "yes" or "no" solution. He believes that most people in the neighborhood if given a choice would choose to keep the houses and go back to the 2010 parking restrictions. He clarified that it would not be exactly back to 2010, but W. Biltmore and Mohawk would be different.

Ms. Bauer commented that the Mohawk residents petitioned to have some restricted parking because they only have parking on one side of the street and unknowingly to her at the same time the east side residents were also petitioning to have changes made to their streets. She said that they did get the trial period of restricted parking, but then the church said that it was not working out for them. She said that she urged the street department to not make the changes and was told no and didn't see the reasoning for "flip-flopping" parking from one side of the street to the other.

Mayor Goldstein said that she understands Ms. Bauer's concerns, but the issue is do they preserve the homes or do they restrict the parking. With it being a public street there is only so much that the city can do in restricting parking.

Alderman Lichtenfeld said that they received requests from a few neighbors on Mohawk to have alternate six-month parking, simply out of fairness so that parking would not always be on one side. The alternate parking is on most of the east-west streets on the west side of Davis because the streets are very narrow which can impede public safety vehicles.

Alderman Winings added that staff looked at the street parking and confirmed that their emergency vehicles did not have access if parking was allowed on both sides of the streets. He clarified that the church wanted to go back to the 2010 parking arrangements where Mohawk was unrestricted on one side and never any parking on the other side and on Biltmore it was restricted one-hour parking on both sides of the street but with the exceptions for residents with hang tags. He said that the changes would be to alternate both sides of the street every six-months.

Alderman Lichtenfeld commented that the number of parking spaces on the public streets are not substantially different now and whether the Mohawk and W. Biltmore changes go into effect, the number of cars that will be able to park there are approximately the same as they were before the temporary restrictions were enforced. He believes in most areas they are now limited to one-hour, 8:00 am – 9:00 pm anywhere from Bemiston to the east which in effect will cut down long-term parking.

In response to Alderman Goodman's question, Alderman Winings said that he and Alderman Lichtenfeld discussed possibly revisiting W. Biltmore issue because it is different now and also different then in 2010. Their preference is to pass the ordinance and then revisit this with respect to those streets and seek neighborhood input with respect to the

parking issue, not the overall church, eastern Davis Place scheme that is in the ordinance.

In response to Alderman Harris' question, Mr. Schmidt said that the church was looking for the parking to go to back the way it was before the changes. He referenced St. Michaels and St. George and the city has restrictions on them and other churches. He said they do have weddings on Saturdays and they thought that it would be helpful to the neighborhood to have Saturday parking because then they would need to get hang tags for their guests.

Alderman Maddox-Dallas pointed out that there is parking available on Wydown Boulevard with regard to St. Michaels and St. Georges and that parking does not encroach into the neighborhoods which is a difference with that particular example.

Alderman Winings said that it doesn't matter if they try to amend the ordinance to take out W. Biltmore and Mohawk or vote on the ordinance as is, because either way they were planning to revisit on Mohawk and W. Biltmore and he would be fine with either.

Alderman Lichtenfeld said that he agrees with Alderman Winings and the parking situation that has come up is probably the best solution that they will get. He agrees that they will have to look at Mohawk and W. Biltmore, but he is not convinced that they will have any substantive changes in any of the other parking restrictions.

Mayor Goldstein mentioned two options: first, to have the first reading tonight and then to show good faith that we are trying to move forward and postpone the second reading in order to look at the restrictions on W. Biltmore and Mohawk and amend the ordinance before the second reading. Second, is to table the ordinance, third, is to pass it in its entirety and go back and study and then come back before the Board.

Alderman Lichtenfeld said that he would be comfortable in doing the first reading and vote tonight to allow staff to clean up the small specifics that seem to be coming up all of a sudden.

Alderman Harris asked for reassurance that if the Board approved the parking restrictions then the church will follow through with their plans and not tear the houses down and build the parking garage.

Mayor Goldstein stated that the City can change the parking at any time if necessary.

Alderman Lichtenfeld said that Mr. Schmidt indicated that the Sessions had approved essentially to retain the homes based upon the agreement with them between the two attorneys to restore the parking restrictions.

City Attorney O'Keefe added that it was a rescission of a decision of the governing body (church) to go in a different direction which had been taken previously and it is on the basis of the compromise in this legislation (city) that the church administration went to the governing body and sought to have them reverse the decisions they had made previously as to their plans for their property and to proceed with the proposal that has been submitted at this time.

Ms. Bauer asked that the City reconsider the changes and table the ordinance in order to receive more input from the residents.

Alderman Winings commented that he found out last Wednesday that the Sessions approved this at their meeting and therefore he notified the trustees last Thursday, which

they placed on their website. The Board of Aldermen agenda was published as usual last Thursday and therefore the Board received their packet the same time as everyone else. Although this did happen fairly quickly, but it is not out of the ordinary in terms of how we normally notice the meetings and proceed. He agrees with the comment made with respect to the issue on W. Biltmore and Mohawk more input could be useful. He stands by his earlier remark that with respect to the overall issue, more public engagement is always good, but he thinks it has gone as far as it can go. Right now it is a procedural issue and either way they will reevaluate the plan with respect to those two streets.

Mayor Goldstein said that there are both advantages and disadvantages to both options because if they have the first reading tonight then there is an urgency to get public input and to come up with some reasonable compromise to take into consideration the views of the neighbors. If they postpone and have two readings then there will inevitably be neighbors who say don't do both readings in one evening because more things could come up and this could go on forever as it's already gone on for a year. She said that it looks like they have consensus to do the first reading and they will go back to the neighbors and solicit input and hopefully come to something that works for both the church and the neighbors and propose an amendment next time they meet.

Alderman Lichtenfeld agreed to have the first reading tonight.

**City Attorney O'Keefe reads Bill No. 6307, an ordinance amending certain traffic and parking regulations in the Davis Place Subdivision for the first time by title only.**

**The motion passed unanimously on a voice vote.**

Mayor Goldstein said that they will postpone the second reading to the next meeting and they will meet with the neighbors to gather input. She thanked the audience for being here tonight and expressing their input.

A RESOLUTION TO APPROVE SUBMITTAL OF A PARK PLANNING GRANT  
APPLICATION FOR CONSULTANT SERVICES RELATED TO THE SHAW PARK ICE  
RINK

City Manager Owens reported that in 2007, the Ice Rink Task Force finalized their study of the Shaw Park Ice Rink and made the following recommendation to the Board of Aldermen:

"The Shaw Park Ice Rink Task Force issues the recommendation to explore **a new vision** of the ice rink and **to begin the design work** on this vision. The Task Force believes the new vision will improve the rink site's functionality, increase community usage, and raise the facility's prominence in the Clayton park system."

Included in their final proposal were three layout options to consider. Since that time, the City has continued to discuss the options for the site and, in fact, commissioned an update of the Shaw Park Master Plan in 2010 to further explore the opportunities for development of the site. In the 2010 update it calls for "the Rink to be converted to a Multi-Use Facility that will be a modification of the existing ice rink facility. It will have a shade covering and provide a 365 day a year venue for events such as concerts, farmers markets, plays, indoor and outdoor sporting events, as well as ice skating."

Further refinement of this plan is still needed as there continues to be speculation about the best use of the site. In addition to the aforementioned options, a new concept has been

proposed which calls for the removal of the existing building and rink and the replacement of it with a modern structure that opens up the view into the park and affords a better drop off and entranceway to the site.

The intent in applying for this grant would be to procure funds to hire a consultant to assist in the public engagement portion of this project, in order to make a decision on which option for the layout of the site is best as well as to identify the use that would be made of the facility once it was built. A series of public meetings and workshops would be held to determine a final plan for the site. Once this is done, design work can begin on the structure. Funds for that work would be included in the upcoming FY2013 budget.

It is estimated that the cost for the public engagement portion of this project would be \$6,000. The City would be responsible for paying \$2,000 toward this work and would request a \$4,000 grant to assist with these costs. This was discussed at the February 6<sup>th</sup> Parks & Recreation Commission Meeting and they are supportive of this grant application. Recommendation is to approve the resolution authorizing submittal of the grant application.

**Alderman Lichtenfeld moved to approve approving submittal of a park planning grant application for consultant services related to the Shaw Park Ice Rink. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

#### MOTION TO DISPOSE OF RECORDS

City Manager Owens reported that as the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Aldermen level.

Based on the Board's past discussions, staff has reviewed the records and confirmed that the materials meet the retention schedules set forth by the Secretary of State and that the records are no longer needed by staff. Staff has also verified that the list does not contain any records that would be considered of a "historical" nature. Recommendation is to approve a motion to dispose of the records.

**Alderman Lichtenfeld moved to approve the destruction of records. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

#### Other

Mayor Goldstein recognized that a MYAC representative was in the audience earlier and gave a brief update on their projects. The MYAC is working with the Planning Department on handicap parking and they are also planning a candidate forum.

Mayor Goldstein and the Aldermen congratulated Gary Carter and Patty DeForrest on their recent certifications.

Mayor Goldstein expressed condolences to the family of Ann Purzner, former Mayor of the City of Overland.

Alderman Winings commended the staff on the Cupid's Ball that he was able to experience for the first time with his daughter and said it was well done.

**Alderman Winings moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Harris seconded the motion.**

**The motion passed unanimously on a roll call vote cast as follows: Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye.**

There being no further regular business the meeting adjourned at 8:45 p.m.

---

Mayor

ATTEST:

---

City Clerk